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Territory of Wisconsin Belmont Iowa County December 8th 1836

On the Eighth day of December in the year of our Lord One thousand Eight Hundred and thirty Six, The Supreme Court of the Territory of Wisconsin organized and held its first Session in the Council Chamber ~~Chamber~~ of the Legislative Assembly at Belmont in the County of Iowa

Present Hon. Charles Dunn Chief Justice.

Hon. David Irvin Associate Judge.

John Catlin was appointed Clerk of said Court Protempore.
Justus Deschroet was appointed Crier of said Court.

Hon. David Irvin presented a Commission from Andrew Jackson President of the United States as one of the Associate Judges of the Supreme Court for the Territory of Wisconsin, and a certificate of qualification from His Excellency Henry Dodge Governor of said Territory.

John Catlin was appointed Clerk of the said Court and having filed a Bond for the faithful performance of the duties of said office, appeared, took the oath of Office & was duly qualified.

On Motion,

Henry S. Fair, Peter Hill Engle, Daniel G. Benton, James Duane Doty, James W. Dabham, Thomas P. Darnett, William W. Chapman, Lyman A. Daniels, Partow Shackelford, William A. Hard-
=ner, Hans Crocker, Joseph Teas, William Smith,

James H. Lickwood & James Nagle Esquires were
admitted to practice Law as Attorneys & Counsellors of
this Court and were severally qualified.

Henry S. David having been appointed by His Excellency
Henry Dodge, Governor of the Territory of Wisconsin, Attorney
General for said Territory, appeared before the Court of
office & was duly qualified.

D. G. Fenton, made a motion that the Court appoint
Thomas P. Burnett reporter of this Court, which was
not acted upon.

The Court adjourned at half past twelve P.M.

The Court met pursuant to adjournment
Present Hon Charles D. Ware Chief Justice
" David Brown Associate Judge

Thomas P. Burnett Esquire was duly appointed
Reporter of this Court

On Motion,
John S. Horner Esquire was admitted
to practice Law as Attorney & Counsellor of this Court
& was duly sworn

Ordered that the Court be adjourned to the next day
Chas. D. Ware, Ch. Jus. i. c. W. T.

Monday July 3d A.D. 1837.

This day being the day appointed by the Legislative Assembly of Wisconsin Territory for holding the Supreme Court at Madison in Dane County the Seat of Government of said Territory and two of the Judges of the said Court not attending on this day, Therefore the Court is adjourned untill to-morrow at 11 O. clock A. M.

John L. Allen Clerk

On the 4th day of July A.D. 1837 at 11 O. clock A.M. Two of the Judges not appearing, The Court was further adjourned until to-morrow at 11 O. clock A. M.

On the 5th day of July A.D. 1837 at 11 O. clock A.M. Two of the Judges not appearing The Court was further adjourned until to-morrow at 11 O. clock A. M.

On the 6th day of July A.D. 1837 at 11 O. clock A.M. Two of the Judges not appearing The Court was further adjourned until to-morrow at 11 O. clock A.M.

On the 7th day of July A.D. 1837 at 11 O'clock
A.M. Two of the Judges not appearing
The Court was further adjourned until
to morrow at 9 O'clock A.M.

On the 8th day of July A.D. 1837 at 9 O'clock
A.M. Two of the Judges not appearing
The Court was adjourned until Court in
Course

The Marshall was in attendance three days

John C. Atter Clerk

On the third Monday of July (being the
16th) A.D. 1838

The Honorable William C. Frazer appeared
and two of the Judges not appearing, the
Court was adjourned until 3 O'clock
P.M.

3 O'clock P.M.

The Court was opened by Francis Gehon
Marshall of the Territory

Present, the Hon. Charles Dunn Chief Justice

The Hon. William C. Frazer Associate Judge

On motion

William H. Banks, J. S. Lovell, H. N. Wells & Jonathan
C. Arnold Esqrs were admitted to practice
law as Attorneys Counsellors of this Court
and were duly sworn.

Man-zan-Mon-neekah

ads ^{Pff in Error} Rule entered, that Pff in
The United States } Error by his Counsel assign
Def't in Error } Errors on or before the
first day of the next term of this Court & that
Cause be continued.

John P. Arndt

ads ^{Pff in Error} On motion of Mr Wells Atty for
Francis Blair } Pff in Error
Def't in Error } Ordered, that a Certiorari
issue to Clerk of District
Court of Brown County
requiring him to certify & send to this Court
the record and proceedings had in this
Cause in the Court below, & that the Cause
be continued until the next term of
this Court.

George Reed Pff in Error. On motion,

vs } Ordered, That Pff in Error assign
Elisha C. Lee & } Errors in this Cause on or before
George W. Thurston } the first day of the next term
Def't in Error } of this Court & that the Clerk
for Def't in Error be furnished with a copy of

the errors twenty days before the next term.
And that the Cause be continued.

John Pertram } On motion of Mr Banks
vs Pff in Error } Atty for Pff in Error
Glendower M Price } Ordered, That the Clerk of
Dft in Error } District Court for the
County of Grant be
required to make return of the writ
issued in this cause, & of the record &
proceedings had therein in the said
District Court of Grant County.
And that the Cause be continued
until next term

Martins Trowley } Mr Wells for dfts in
vs Pff in Error } Error moved to quash
Charles W Turner } the writ.
Dft in Error } Motion denied.

Pff in Error by Mr Gardner his Atty suggested
denial of record in this court that the testimony of Melan G
Troy, Henry Lacquette & Nicholas Purge witnesses introduced by Pff in Error on the trial, is not set forth
in that it does not appear that Plaintiff in Error obtained peaceable possession of the
premises described in the pleadings & further that the deeds offered in
evidence on the trial by Pff in Error are not set forth, or that any
deeds to Pff in Error were offered in testimony.

I moves the Court that the Justice below be
required to certify a full & complete record
of the proceedings had before them in this
Cause. Whereupon it was
Ordered, that the Court below be
required to certify & send to this Court
a full & complete return of all proceedings

had before them in this cause.
Cause continued until next term of this
court.

Philander Baldwin
vs Pff in Error } On motion,
Dudley Little } Ordered, That
Left in Error } the Justices in the
Court below, be required to Certify
& send to this Court the writ issued in
this cause, and a full & complete
return of all proceedings had before
him therein.

Cause continued until next term.

On motion of Mr Banks
Francis J. Dunn Esq. was admitted
to practice Law as Atty & Counselor
of this Court, and was duly sworn.

Leander Judson
vs Pff in Error } On motion of ~~Mr Banks~~
William K. Hindman & } Ordered, That the Pff
John J. Marshall } in Error furnish the
Left in Error } Court & Atty Counsel
with the points relied upon in this cause by brief
on or before the first day of next term.
Cause continued.

Ordered by the Court that the following
be entered as rules of this Court.

Rule 1st

An assignment of errors by the plaintiff in
Error shall be returned with the writ
to this Court on the return day thereof.
And the Plff in Error shall also file a
paper book, one for each of the Judges & one
for defendants Counsel containing a
full statement of his case and the
points on which he relies with the legal
authorities cited to sustain the same.
Said books to be printed or written out in
a fair legible hand.

Rule 2^d

That upon the return as above, the Cause
shall be put at issue on the opening of
the Court & proceeded into hearing.

Rule 3^d

All motions for further return, to quash
or dismiss the writ, shall be made upon
the first day of term on the opening of the
Court.

in writing.

Rule 4th

Writs of Error shall first be heard.
2^{ndly} Writs of Certiorari and 3^{rdly}
Appeals in Chancery.

Ordered. That Court adjourn until next
in course

Chas. Dunn, Clk: Jus: C. W. S.

William B. Frazier

Associate Justice S. B. P. -

At a term of the Supreme Court of the Territory of Wisconsin,
begun and held at the Capital in the town of Madison
in said Territory on the third morning of July, (being the
15th day thereof) in the year of our Lord One
thousand Eight hundred and twenty nine,

Present The Hon Charles Bonaparte Chief Justice,
The Hon. David Groves & The Hon. Andrew P. Heller Associate Judges,
thereof.

The Court was opened by proclamation by James O.
Leitch Esq Deputy Marshal

George Neede
vs
Piff in Error

Clash & Co

George W Thurston
vs
Defts in Error

An agreement of the said parties
by their attorneys for continuance
herein, having been filed, and the
Court being satisfied therewith,

It is ordered by the Court, that this case be continued
until the next term of this Court.

Philander Baldwin
vs
Piff in Error

Medley Little et al

vs
Defts in Error

An agreement of the said parties
by their attorneys for continuance
herein, having been filed, and the

Court being satisfied therewith, It is ordered by
the Court here that this case be continued until
the next term of this Court.

Eden Johnson
Plff in Error
ads

Robert Wilson admr
of Thomas Wilson decd

This day came the Plaintiff in Error by his
Attornies Thomas P. Burnett & William H. Ben
Esquiers & moved the Court for an extension
of time in which to file an assignment of Errors in this cause,
which motion being argued and the Court being now suffici-
ently advised of and concerning the same: —

It is ordered that the said Plaintiff be allowed until
tomorrow morning to file the same.

Eden Johnson
Plff in Error
ads

Robert Wilson admr
of Thomas Wilson decd
Plff in Error

This day came the deft in Error
by his attorney, St. John Egan
and moved the Court to dismiss
the writ herein for reasons filed.

Elizabeth Wells
Plff in Error
ads

The United States
Plff in Error

This day came the Defendant in Error
by St. John Egan attorney and
moved the Court to dismiss the
writ of error herein for reasons filed.

John Ward et al
Plffs in Error
vs

Londoner & Price
Deft in Error

The motion of the defendant in Error
in this cause to dismiss, having been
argued, and the Court not being
now sufficiently advised of & concerning the same, took time
to consider.

Edwin Johnson
Plff in Error
vs

Robert Wilson admr
of Thomas Wilson decd

The motion of the defendant in error
to dismiss the writ herein, having
been argued and the court not
being now sufficiently advised of and concerning the
same took time to consider

Elizabeth Stiles
Plff in Error
vs

The United States
Def't in Error

The motion of the defendant
in error to dismiss the writ herein
having been argued & the court not being sufficiently
advised of and concerning the same took time to consider

Ordered, by the Court, that the following be
entered as additional Rules of this Court
Rule 5.

All motions submitted to the court, shall be
made in writing
Rule 6.

The Clerk shall, at the opening of the court, furnish
each member of the court with the calendar of the
causes in the court.

Court adjourned until to morrow at 9 o'clock
A.M.

Chas. D. Davis, Chf. Jus: S.C. N.J.
B

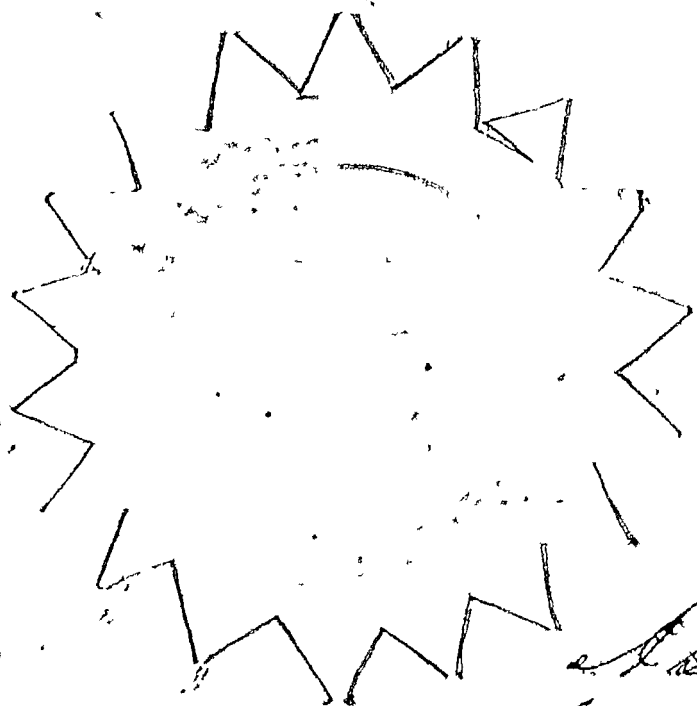
Samuel B. Rountree
Plff in Error

vs
The United States
Def't in Error

This day came the parties
aforesaid by Thomas P. Burnet
& J. M. G. Coquins their
attornies and by agreement of said parties by their attorn
aforesaid, the process is waived & the said cause placed
upon the records of this Court & the records in the said
Cause filed by the Plaintiff in error.

On motion of Francis J. Munn Esquire.

H. J. Minger & William K. Seymour were
admitted to practice as attornies & Commissioners of this
Court.



A Seal having been procured, and
exhibited to this Court, and it being considered sufficient
appropriate; it is therefore

Ordered, that the said seal, of which the
above is an impression be adopted as the Seal of
this Court.

John Portman
Plff in Error
vs

Henry M. Price
Def in Error

This day came the parties aforesaid
by their attorneys and on motion of
the Plff by his attorney G. J. Minger Esq
this Cause is dismissed at the costs of the Plaintiff in
Error. It is therefore considered and adjudged
by the Court here that the said Defendant do have and
recover of the said Plaintiff his costs & Charges by him about
his ~~defense~~ ^{defense} in this behalf expended and that he may have
execution therefor.

John Ward, Arthur Brown,
& Harriet W. Menistoun et al
Plffs in Error
vs

Henry M. Price Defendant

This day came the Defendant
in Error by his attorney Francis
J. Price Esq and moved the
Court to dismiss this Cause for
non-suit filed.

William C. Merdman
Plff in Error
vs

Benjamin D. Forbes
Def in Error

On motion of the Plaintiff by
his attorney G. J. Minger Esq
this Cause is dismissed at the costs of Plaintiff in Error.
It is therefore considered & adjudged by the Court
here that the said Defendant in Error do have & recover
of the said Plaintiff in error herein his costs and
Charges by him about his ~~defense~~ ^{defense} in this behalf
expended & that he may have execution therefor.

July 16th 1839

Court met pursuant to adjournment at 9 o'clock AM
It was opened by proclamation by James D Jenkins
Deputy Marshall. The Judges of the Court being all present.

John Ward et al
Def in Error

Glendon Price
Def in Error

And now at this day came the parties
aforesaid by Franklin Fullinger
Thames J. Quinn Esquires their attorneys
and the Court being sufficiently advised of and concerning
the motion of the defendant in error of a previous day in this
term to quash the ^{writ & dismiss the} proceedings herein, delivered an opinion
in writing which is on file and ordered the writ to be quashed
& the proceedings dismissed.

It is therefore considered and adjudged by the Court
herein that the said Defendant do have and recover of the
said plaintiff in error his costs & charges by him about
his defence in this behalf expended and that he may have
execution therefor.

Edgar Johnson
Def in Error
ads.

Robert Wilson admor
of Thomas Wilson deceased

And now at this day came the parties
aforesaid by Thomas J. Quinn
Esquires their attorneys for
plaintiff in error and Thames J. Quinn Attorney for
defendant in error and the Court being sufficiently
advised of and concerning the motion of the defendant in
error of a previous day in this term to quash the proceedings
herein delivered an opinion in writing which is on file and
ordered the writ to be quashed & the proceedings dismissed.

It is therefore ^{considered} ~~ordered~~ and adjudged by the Court

here that the said defendant in error do have and recover of the said plaintiff in error his costs and charges by him about his defence in this behalf expended and that he may have execution therefor.

The Elizabeth Mills
Plff in Error

vs

The United States
Def in Error

} This day came the parties aforesaid
by Thomas P. Burnett & James
J. Dunn Esquires their attorneys

and the Court being now sufficiently advised of and concerning the Motion of the defendant in error of a previous day to quash ^{the writ & dismiss} the proceedings here in, delivered an opinion in writing which is on file and ordered the writ to be quashed & the proceedings dismissed.

It is therefore considered and adjudged by the Court here that the said ~~Elizabeth Mills~~ defendant in error do have and recover of the said plaintiff in error his costs and charges by him about his defence in this behalf expended and that they may have execution therefor.

The Attorney for the Territory not being present the Court appointed Franklin J. Menger Esq Attorney for the Territory Pro. tem for this term of the Supreme Court.

Leander Judson
Plff in Error

vs

William H. Henderson &
John J. Marshall
Def in Error

} Now at this day came the
parties aforesaid by their attor-
neys Thomas P. Burnett &

F. J. Munger Esq. and the arguments of Counsel
having been heard and the Court not being now
sufficiently advised of and concerning the same took
time to consider

Thomas P. Burnett Esq. read appointed Report
of this Court.

Leander Judson ^{Plff in Error}
vs
William W. Hindman &
John S. Marshall ^{Def in Error} } This day came the parties aforesaid
by their attorneys aforesaid and
the arguments of Counsel having
been fully heard therein on the errors
submitted and the Court being now sufficiently advised
of and concerning the same, delivered an opinion in writing
which is on file and ordered the Certiorari to be dismissed.

Waters Towsey ^{Plff in Error}
vs
Charles M. Turner ^{Def in Error} } This day neither of the parties
aforesaid or their attorneys
appearing and the Court
now being fully advised of and concerning
the proceedings in the said cause from an
examination of the papers therein, delivered
an opinion in writing which is on file and
ordered the said proceedings dismissed for
want of Jurisdiction.

Mugh P Hunter
Plff in Error

vs

The United States
Def in Error

This day came the parties
aforesaid by Thomas P Burnett
& Francis J. Quinn Esquires

their attorneys and the arguments of counsel
having been fully heard and the Court not
being fully advised of and concerning the
same took time to consider.

Samuel J. Brewster
Plff in Error

vs

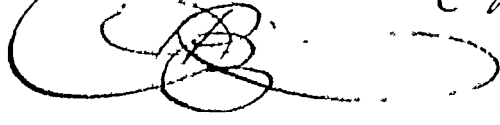
The United States
Def in Error

This day came the parties
aforesaid by Thomas P
Burnett & Franklin J. Morgan

Esquires their attorneys and the arguments of
counsel having been heard and the Court not
being fully advised of and concerning the
same took time to consider.

Court adjourned until tomorrow at
10 o'clock A.M.

Chas. A. Dunn, Clk. Jus. S.C. W.T.



July 17. th 1839

Court met pursuant to adjournment at 9 o'clock & all the members thereof being present, it was opened by James A. Jenkins Esq. acting Marshal.

Hugh R. Hunter
advs ^{Piffs in Error}

The United States
^{Defts in Error}

This day came the parties
aforesaid by Thomas P

Purnett & Franklin J. Menger Esquires
their attorneys and the Court now being sufficiently
advised of and concerning the errors therein
delivered an opinion in writing which is on file and
ordered the Judgment below to be reversed.

And the Court being now sufficiently advised of and concerning the errors therein delivered an opinion in writing which is on file and ordered the Judgment below to be reversed.

Samuel P. Rountree
advs ^{Piffs in Error}

The United States
^{Defts in Error}

This day came the parties aforesaid by
Thomas P. Purnett & Franklin J. Menger
Esquires their attorneys and the

Court being now sufficiently advised of and concerning
the errors therein delivered an opinion in writing which
is on file and ordered the Judgment below to be
reversed.

John P. Grndt
 acts as Plaintiff in Error } This day came the plaintiff
 Francis Blair } in Error by Thomas P. Burn
 Defendant } etc Esq his attorney and
 moved the Court that an order be entered requiring
 the Clerk of District Court of Brown County to
 send to this Court the writ issued in this Cause,
 & that the said Cause be continued until the
 next term of this Court, and the Court being
 sufficiently advised thereon, do order that
 the Clerk of the District Court of Brown County
 to send to this Court the writ issued therein
 & that said Cause be continued until the
 next term of this Court.

J. J. Porter, James Abbott
 John P. Grndt Plffs in Error } This day came the plaintiff
 vs } in error by Thomas P. Burn
 John Magarthy deft in Error } etc Esq his attorney
 and the defendant not appearing either } the Cause being argued
 in person or by attorney - and the Court
 being willing that the said Cause should be
 continued - the attorney for the plaintiff
 in error not objecting thereto, it is therefore
 Ordered, that the said Cause be continued

until the next term of this Court.

John Ward et al
vs
Jefferson

Glen Dover & Price
deft in Error

On Motion of Francis
J. Allen Esq Attorney for
plaintiffs in error it is,

Ordered that a writ of Error be issued from
this Court to the district Court for the County of
Grant, to remove the record of the proceedings
in this cause from the said district Court with
a Supersedeas endorsed thereon which Supersedeas
is not to take effect until the plaintiff in Error
shall file a bond ^{with one or more sureties} with the Clerk of the district
Court for the County of Grant in double the
amount of the judgement in the district Court
to be approved by the Judge of the said district
Court conditioned to prosecute the said writ of
Error to final decision, & if the said judgement
shall be affirmed in this Court that the plaintiffs
shall pay the same together with all costs and
damages that shall accrue in consequence of
the issuing of the said writ & Supersedeas.

On Motion of Francis J. Allen Esq

Simon Mills was appointed Clerk of
this Court John Caston having resigned

On Motion of Francis J. Allen Esq

John Caston was admitted to practice
law as attorney & counsellor of this
Court.

Edwin Johnson
Plaintiff in Error
vs
Robert Watson
Defendant
of Thomas Watson
Defendant in Error

On Motion of Thomas P
Burnett Esq Attorney for
Plaintiff in error
leave is granted to plaintiff

in error to withdraw the transcripts of the proceedings
in the Court below from the files of this Court.

Edwin Johnson
Plaintiff in Error
vs
Samuel H. Jones
Defendant in Error

On Motion of Franklin
Fulmer Esq Atty
for plaintiff in error

leave is granted to said plaintiff in error
to withdraw the transcripts of the proceedings
in the Court below from the files of this
Court

days
Elizabeth H. Jones
Plaintiff in Error
vs
Edwin Johnson
Defendant

On Motion of Thomas
P Burnett Esq Attorney
for plaintiff in error leave is granted to
the said plaintiff in error to withdraw
the transcript of the proceedings in the
Court below from the files of this Court.

Ordered that James A. Sessions be allowed
for attendance on this Court as Deputy
Marshal for fifty miles travel

Ordered that Franklin J. Lingen Coyle
allowed for three days attendance on this
Court as ~~attorney~~ pro tem. for the Territory

On Motion of Thomas P. Burnett Esq.
Nathaniel G. Hyer was admitted
to practice law as attorney and
Commissioner of this Court

Ordered that Court adjourn until Court in course

Chas. Dunn, Clk. Jus. T.C. W.T.
